

REMARKS

Reconsideration of the above-identified application in view of the foregoing amendments and the following remarks is respectfully requested.

A. Status of Claims

Claims 1, 2 and 8-24 are pending. Claims 1, 8, 13 and 17 are amended.

Claim 1 is amended to recite, *inter alia*, “wherein the bridges or the backs comprise an area that is parallel to a plane comprising the tops of the studs and parallel to a plane comprising the surface of the studded plate, but is not within either of these planes.” Claims 13 and 17 are similarly amended. Support for these amendments are found throughout the application as originally filed, including, for example, within FIG. 3. No new matter is added by these amendments. Entry is respectfully requested.

B. Rejections Under 35 U.S.C. § 112

Claims 1, 2, and 8-24 were rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter of the invention. Claim 1 is amended to recite, *inter alia*, “assembling a form at the location of the concrete joint by attaching a formwork, casting a first cast section into the formwork, removing the formwork prior to casting a second cast section, casting the second cast section.” Claims 13 and 17 are similarly amended. The rejection is respectfully requested to be withdrawn.

Claim 8 was also rejected under § 112 for depending upon previously cancelled claim 7. Claim 8 is thus amended to depend on claim 1. The rejection is respectfully requested to be withdrawn.

C. Rejections Under 35 U.S.C. § 103

The Office Action rejected claims 1, 2, 12, 15 and 18-20 were rejected under § 103 as being unpatentable over U.S. Patent No. 3,802,790 to Blackburn (“Blackburn”). Claims 8, 10, 11 and 13-24 were rejected as being unpatentable over Blackburn in view of U.S. Patent No. 3,767,154 to Shoe (“Shoe”). Claim 9 was rejected under § 103 as being unpatentable over Blackburn in view of Shoe and in further view of U.S. Patent Application Publication No. 2002/009566 by Schertzberg et al. Applicants respectfully traverse the rejections.

Amended claim 1 recites:

“1. A method of denticulation of a concrete joint between a first and a second cast section,

assembling a form at the location of the concrete joint by attaching a formwork,

casting a first cast section into the formwork,

removing the formwork prior to casting a second cast section,

casting the second cast section,

wherein the formwork for the first cast section comprises a studded plate,

wherein the studded plate has studs where the stud side wall inclination angle is greater than 60° with respect to the surface of the studded plate,

wherein the studded plate has bridges or backs between the studs,

wherein the bridges or the backs comprise an area that is parallel to a plane comprising the tops of the studs and parallel to a plane comprising the surface of the studded plate, but is not within either of these planes,

wherein the surface of the studded plate is vacant below the bridges or the backs,

wherein the studded plate has studs that are square, polygonal or round,

wherein the studded plate has studs positioned in relation to each other in a pattern.”

The Office Action discloses that the Blackburn discloses a “studded plate having bridges and backs” with reference to FIG.’s 8 and 9. (Office Action, p. 5). As illustrated in FIG.’s 8 and 9, Blackburn discloses the former **11** “is disposed a lattice-like network of intercommunicating channels.” (Blackburn, col. 6:43-44). However, Blackburn also discloses that the “channels” are disposed “[o]n the *underside* of the base sheet **9** and remote from the peaks **12**.” (Blackburn, col. 6:42-43, emphasis added). In addition, as illustrated in FIG. 8, the top of the “channel” **130** (with respect to the orientation in the figure) is not above the base sheet **9**. Accordingly, Blackburn fails to disclose, teach or suggest, “wherein the bridges or the backs comprise an area that is parallel to a plane comprising the tops of the studs and parallel to a plane comprising the surface of the studded plate, but is not within either of these planes,” as recited in Applicants’ amended claim 1.

Blackburn also discloses that, as illustrated in FIG.’s 2 and 3, the formers **11** “can be held in position during installation by using a mesh reinforcement [**100**]” and a “series of supports **101** which extend between the peaks **12** . . . to support the reinforcement **100**.” (Blackburn, col. 4:41-51). As illustrated in FIG. 2, however, the dotted lines indicate that the “supports **101**” rest on top of the base sheet **9**—the base sheet is not vacant or absent under the “supports”. Indeed, base sheet **9** exists below the “supports”. Accordingly, Blackburn fails to disclose, teach or suggest “wherein the surface of the studded plate is vacant below the bridges or the backs,” as recited in Applicants’ amended claim 1.

The Office Action also discloses that Blackburn teaches “pressing a former into a concrete base and casting a second concrete section onto the patterned concrete base (column 1 lines 60-65, column 6 lines 23-50).” (Office Action, p. 5). Applicants respectfully disagree.

Blackburn does not teach using a former between a first and a second concrete cast section, nor that the former is removed after the first cast prior to casting the second cast section. Rather, Blackburn only teaches using a former in connection with a single concrete cast section. Blackburn discloses that “the formers can be placed onto soil seeded with grass . . . and concrete can be poured over the upper surface of the formers . . .” (Blackburn, col. 1:37-41). Alternatively, Blackburn discloses, “a concrete base can be initially laid, and the formers impressed into said concrete base. A soil and grass mixture or some other site material can then be introduced into the second space.” (Blackburn, col. 1:49-54).

Therefore, Blackburn fails to teach each element of Applicants’ amended claim 1, and claim 1 is respectfully submitted to be patentable. For at least similar reasons, claims 2 and 8-24 are also respectfully submitted to be patentable. The application is therefore respectfully submitted to be in condition for allowance.

Applicants have chosen in the interest of expediting prosecution of this patent application to distinguish the cited documents from the pending claims as set forth above. These statements should not be regarded in any way as admissions that the cited documents are, in fact, prior art. Additionally, Applicants have not specifically addressed the rejections of the dependent claims. Applicants respectfully submit that the independent claim, from which they depend, is in condition for allowance as set forth above. Accordingly, the dependent claims also are in condition for allowance. Applicants, however, reserve the right to address rejections of the dependent claims in the future as appropriate.

CONCLUSION

Based on the foregoing amendments and remarks, Applicant respectfully requests reconsideration and withdrawal of the rejection of claims and allowance of this application.

AUTHORIZATION

The Commissioner is hereby authorized to charge any additional fees which may be required for consideration of this Amendment to Deposit Account No. 504827, Order No. 1004475.001US. A DUPLICATE OF THIS DOCUMENT IS ATTACHED.

In the event that an extension of time is required, or which may be required in addition to that requested in a petition for an extension of time, the Commissioner is requested to grant a petition for that extension of time which is required to make this response timely and is hereby authorized to charge any fee for such an extension of time or credit any overpayment for an extension of time to Deposit Account No 504827, Order No. 1004475.001US. A DUPLICATE OF THIS DOCUMENT IS ATTACHED.

Respectfully submitted,
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